

In the Matter of )  
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 Lifeline and Link Up Reform and Modernization ) WC Docket No.11-42

<sup>2</sup> See letters from Norina Moy, Sprint, to Marlene Dortch, FCC, dated January 19, 2017 and February 15, 2017.

Therefore, Wi-Fi access cannot count towards the mobile broadband data allotments specified in Section 54.408(b)(2) of the Rules. Any other finding not only makes no sense, but also would obviate the data allotment increases specified in this rule. If Wi-Fi access is allowed to count towards the minimum BIAS data allotment, there would be no need to mandate increases over time – a service provider that makes a Wi-Fi-enabled device available to its Lifeline broadband customers would be able to satisfy the future data allotment requirements immediately via Wi-Fi.<sup>3</sup>

The Commission should also clarify that if a Lifeline ETC provides a device that is not 3G-capable (including devices that are potentially but not actually 3G-capable), it is not providing broadband service. For example, a Lifeline customer who does not install a new Sim card to upgrade his handset to handle 3G or better technology is not, in fact, receiving broadband service as specified in the *Lifeline Modernization Order*. 500MB of broadband data is of very little use to a subscriber who has a device that is not 3G-capable.

The requested clarifications will not preclude or discourage innovation in the provision of Lifeline broadband service. Service providers remain free to offer Lifeline packages that include service elements that may exceed minimum requirements, such as packages that include a “premium” service or the choice of a range of devices. What these service providers may not do, however, is subject their Lifeline subscribers to the 12-month broadband port freeze, unless such customers are receiving the full benefits of

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<sup>3</sup> The *Lifeline Modernization Order* requires that “...Lifeline providers who make devices available with or without charge for use with a Lifeline-supported fixed or mobile broadband service must ensure that all such devices are Wi-Fi enabled” (para. 374).

broadband service that meets all of the minimum service requirements mandated by the Commission.

Any Lifeline service provider that has incorrectly classified an end user as a broadband customer in contravention to the rules and policies set forth in the *Lifeline Modernization Order* should be required to notify affected subscribers of the error, and must remove the 12-month port freeze from affected accounts. Failure to implement either of these remedial actions unfairly prevents the Lifeline customer from obtaining the broadband service to which he is entitled, and for which universal service support has been paid, and locks that customer into a year-long period during which he can neither access the benefits of broadband nor change his service provider.

Respectfully submitted,

**SPRINT CORPORATION**

*/s/ Charles W. McKee*

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